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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,751

06/06/2005

John Watler Englert

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24498 7590 09/26/2007  
JOSEPH J. LAKS, VICE PRESIDENT  
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EXAMINER

DESIR, JEAN WICEL

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

09/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/537,751	ENGLERT, JOHN WATLER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jean W. Désir	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 6/6/07 (RCE).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 18-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 18, 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi (US 5,313,282).

**Claim 18:**

Hayashi discloses:

“applying power (see item 21 of Fig. 1) to a first tuner (items 10, 2 of Fig. 1) and a second tuner (items 22, 12 of Fig. 1) in a first mode of operation”, see also col. 2 lines 32-34, col. 4 lines 41-43;

“removing power from said first tuner in a second more of operation”, see col. 6 lines 59-61;

“applying power to said second tuner during a portion of said [a] second mode of operation and removing power from said second tuner during the remainder of said second mode of operation, wherein said portion of said second mode of operation is less than 100 percent of the time duration of said second mode of operation”, see col. 6 lines 39-68.

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**Claim 1** is rejected for the same reasons as claim 18, Hayashi's disclosure is applicable to television signal (see col. 1 lines 8-12).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-22, 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 5,313,282) in view of Shimakawa et al (US 6,452,644).

Claim 19:

Hayashi discloses all the limitations of claim 19, except Hayashi does not explicitly say that his invention is "to facilitate the reception of auxiliary data" as claimed in claim 19. However, regarding this exception, Shimakawa shows it is notoriously well known in the art for a device to facilitate the reception of auxiliary data and reduce power consumption (as evidence see Shimakawa at col. 8 lines 26-31, col. 6 lines 15-16); because of these teachings an artisan would be motivated to combine the references to arrive at the claimed invention, the combination would advantageously provide a system that would facilitate the reception of auxiliary data and reduce power consumption. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 20 is disclosed, see Shimakawa at col. 8 lines 26-27, col. 6 lines 15-16.

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Claim 21 is disclosed, see Shimakawa at col. 1 lines 40-41.

*(NOTE: claim 21 is considered as being depended on claim 19, instead of 18 as claimed, appropriate correction is required).*

Claim 22 is disclosed, see Shimakawa at col. 8 lines 26-27, col. 6 lines 15-16.

Claims 2-4 are rejected for the same reasons as claims 19-21.

### ***Claim Objections***

5. Claims 18-22 are objected to because of the following informalities: In claim 18 line 5, "more" should be --mode--, and --; and-- should be added after "operation".

Appropriate correction is required.

### ***Allowable Subject Matter***

6. The indicated allowability of claims 1-4 is withdrawn in view of the newly discovered reference to Hayashi et al. Rejections based on the newly cited reference are presented above.

### ***Response to Arguments***

7. Applicant's arguments with respect to claim 18 have been considered but are moot in view of the new ground(s) of rejection.


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JWD**  
**Jun. 16, 07**



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER